

**BOARD OF DENTISTRY
DENTAL HYGIENE SUBCOMMITTEE MEETING
SEPTEMBER 10, 2010, 9:15 AM
301 SOUTH PARK BASEMENT CONFERENCE ROOM
OPEN AGENDA**

This agenda is subject to change up to three (3) working days before the committee meeting. For the most accurate agenda please consult the web site at www.dentistry.mt.gov.

Americans with Disabilities Act: The Department of Labor and Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

Call to Order: Roll Call

Review of Agenda: Review and approve agenda for September 10, 2010.

Approval of Minutes: Review and approve minutes from March 12, 2010.

PUBLIC COMMENT STATEMENT:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic that is not already on the agenda for this meeting. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask that the issue be placed on a subsequent agenda for possible action by the Board. The Chairperson of the Board will determine the amount of time allotted for public comment. A decision on whether to hold a meeting in executive session is in the discretion of the Presiding Chair pursuant to Section 2-3-203 MCA.

TOPICS:

- 1. SENATE JOINT RESOLUTION 35, ACCESS TO DENTAL CARE:**
Montana Dental Hygiene Association Draft. Children, Families, Health and Human Services Interim Committee meetings, regarding application of sealants by dental hygienists in school settings.
- 2. ECONOMIC AFFAIRS INTERIM COMMITTEE MARCH 30, 2010:**

The committee discussed and reviewed comments on the addition of the Paris Gibson School in Great falls as a Limited Access Permit site granted by the Board of Dentistry in December 2009.

Discussion:

Adjournment: Adjourn meeting

**BOARD OF DENTISTRY
DENTAL HYGIENE SUBCOMMITTEE MEETING
MARCH 12, 2010 - 9:15 A.M.
301 S PARK AVE - HELENA
OPEN MINUTES**

CALL TO ORDER: Jennifer Porter RDH, Chairperson, called the meeting to order at 9:20 A.M.

ROLL CALL: Carol Price, RDH; Jennifer Porter, RDH, Chairperson were present Dr. Mark Colonna was not present.

OTHERS PRESENT: Those signing the attendance list are available at the Board office.

REVIEW OF AGENDA: The committee reviewed the agenda of March 12, 2010.

Motion: Ms. Price, accept the agenda as presented.

Second: Ms. Porter

APPROVAL OF MINUTES: Minutes were not available from the March 13, 2009 meeting.

PUBLIC COMMENT STATEMENT: Ms. Porter read the public comment statement and asked if there was anyone who wanted to make a comment. No comments were heard.

1. LIMITED ACCESS PERMIT:

The Full Board had requested Ms. Price survey Hygienists with Limited Access Permits to gauge the success of the program.

Ms. Price reported those hygienists she talked to, for whatever reason, were reluctant to discuss specifics of the program. She suggested possibly an informal survey in the Montana Dental Hygiene Association newsletter would have a better response.

It was eventually decided to not address the issue at this time.

ADJOURNMENT: Ms. Porter adjourned the meeting at 9:30 am

SUBMITTED BY: Dennis Clark, Board Administrator

APPROVED BY: _____
Jennifer Porter, RDH

DATE APPROVED: _____

37-4-405. Dental hygienist to practice under supervision of licensed dentist -- exceptions -- definitions. (1) A licensed dental hygienist may:

(a) with the permission of the supervising dentist, practice in the office of a licensed and actively practicing dentist under the general supervision of a licensed dentist; or

(b) provide dental hygiene preventative services in a public health facility under the general supervision of a licensed dentist or, subject to the provisions of subsection (4), under public health supervision.

(2) A dental hygienist may give instruction in oral hygiene without the direct supervision or general supervision of a licensed dentist in a public or private institution or hospital or extended care facility or under a board of health or in a public clinic.

(3) For the purposes of this section, the following definitions apply:

(a) "direct supervision" means treatment by a dental auxiliary or licensed dental hygienist provided with the intent and knowledge of the dentist. The treatment must be performed while the dentist is on the premises.

(b) "general supervision" means treatment, except the administration of local anesthesia, by a licensed dental hygienist provided with the intent and knowledge of the dentist licensed and residing in the state of Montana. The supervising dentist need not be on the premises.

(c) "public health facility" means:

(i) federally qualified health centers; federally funded community health centers, migrant health care centers, or programs for health services for the homeless established pursuant to the Public Health Service Act, 42 U.S.C. 254b; nursing homes; extended care facilities; home health agencies; group homes for the elderly, disabled, and youth; head start programs; migrant worker facilities; local public health clinics and facilities; public institutions under the department of public health and human services; and mobile public health clinics; and

(ii) other public health facilities and programs identified by the board under subsection (6); and

(d) "public health supervision" means the provision of limited dental hygiene preventative services without the prior authorization or presence of a licensed dentist in a public health facility.

(4) (a) A licensed dental hygienist practicing under public health supervision may provide dental hygiene preventative services that include removal of deposits and stains from the surfaces of teeth, the application of topical fluoride, polishing restorations, root planing, placing of sealants, oral cancer screening, exposing radiographs, and charting of services provided.

(b) A licensed dental hygienist practicing under public health supervision may not provide dental hygiene preventative services that include local anesthesia, denture soft lines, temporary restorations, or any other service prohibited under 37-4-401.

(c) A licensed dental hygienist practicing under public health supervision shall provide:

(i) for the referral to a licensed dentist of any patient needing treatment outside the scope of practice authorized for a licensed dental hygienist under this subsection (4); and

(ii) treatment based upon medical and dental health guidelines adopted by rule by the board.

(5) (a) A dental hygienist practicing under public health supervision shall obtain a limited access permit from the board.

(b) The board shall adopt rules:

(i) defining the qualifications necessary to obtain a limited access permit; and

(ii) providing a process for obtaining a limited access permit.

(c) **Except as provided in subsection (6),** the provision of services under a limited access permit is limited to patients or residents of facilities or programs who, due to age, infirmity, disability, or financial constraints, are unable to receive regular dental care.

(6) A dental hygienist with a limited access permit may provide a school based sealant program without the prior authorization or presence of a dentist.

(6)(7) The board may identify, by rule, other public health facilities and programs, in addition to those listed in subsection (3)(c), at which services under a limited access permit may be provided.

• **Jack Kane, Division Administrator, and staff for Board of Outfitters**

- 04:21:56 Mac Menard, executive director, Montana Outfitter and Guide Association (MOGA), testified how outfitting and guiding contributes to Montana's tourism industry. Mr. Menard addressed the license application and changes to the emergency guide application requirements. He submitted written testimony on the guidelines. (Exhibit 9)
- 04:24:44 Jack Rich, owner of an outfitting and guide ranch in the back country, asked why the license application has been increased from two pages to six pages, including two pages of instructions. It is his belief that some of the questions are inappropriate and unnecessary. He depicted the form as burdensome.
- 04:29:09 Mr. Kane provided background information on licensing boards' application process. Mr. Kane explained that all of the questions on the application were deemed necessary. Mr. Kane spoke about other suggestions regarding licensing, including the length of time for the license renewal process. Mr. Kane addressed the emergency guide application process and the intent of that process. Mr. Kane stated there is no statute for this process.
- 04:39:08 Trudy Pippen, executive director, Montana Board of Outfitters, explained how the new guide application came about. Ms. Pippen believed there was a recommendation from the Board for a standardized application.
- 04:46:21 Robin Cunningham, Fishing Outfitters of Montana, shared the same concerns as the MOGA. Mr. Cunningham stated the process has not been simplified.
- 04:51:02 Greg Gilcrest, Ovando, gave an over view from a small business perspective regarding the difficulties with the licensing application.
- 04:52:54 Tyler Moss, board counsel, Montana Board of Outfitters, stated the form was created by the department in accordance with the law. Mr. Moss explained the requirement that the department "shall" investigate the applicant and that mandate could not be met by asking four questions. Mr. Campbell read the statute and determined it is the responsibility of the department.

BREAK

- 05:07:22 The committee discussed the costs involved in developing a longer application and having someone review those applications. Mr. Kane explained the guides have had to renew their license every year, and now they can just apply for renewal so the process would be less burdensome for the guides.
- 05:12:57 Sen. Keane asked that the guide license issue be placed on the May agenda.

BOARD OF DENTISTRY - CONCERNS ABOUT ADDITIONAL SITES FOR HYGIENISTS' LIMITED ACCESS PERMITS

- **Rep. Roberts**

- 05:15:12 Rep. Roberts provided history of giving dental hygienists an opportunity to work in unique and isolated forums.
- 05:19:15 Mary McCue, executive director, Montana Dental Association, stated the threshold test is whether the person they are serving has access to dental care. Ms. McCue commented there was no showing that the people in the Paris Gibson school (in Great Falls) lack access to dental care. Ms. McCue emphasized the importance of children establishing a dental home for treatment throughout the years.
- 05:23:37 Mr. Kane explained the disconnect between boards and the department. Mr. Kane read the provisions for a Limited Access Permit (LAP). Mr. Kane explained the process that was used to add the Paris Gibson School as an LAP site.
- 05:27:23 Carol Price, a dental hygienist on the Board of Dentistry, talked about the Board of Dentistry's decision to allow the hygienist to provide treatment within the scope of a dental hygienist at Paris Gibson. The Board vote was not unanimous.
- 05:29:38 Kim Dunlap, a registered dental hygienist, is a LAP and is the hygienist who petitioned the board for the LAP at Paris Gibson. Ms. Dunlap did not believe physical proximity to a dentist constituted access to dental care. Ms. Dunlap referred to a letter from Judy Harbeck. (Exhibit 10)

OVERVIEW OF WORKERS' COMPENSATION BENEFITS IN MONTANA

- Ann Clayton, Consultant to the Department of Labor and Industry (DLI), and
- Diana Ferriter, DLI

- 05:39:49 Ms. Clayton provided an overview of the benefit system in Montana for Workers' Compensation. Ms. Clayton submitted and reviewed "System Assumptions Based on Best Available Information" (Exhibit 11), and explained the "Overview of Workers' Compensation Benefits". (Exhibit 12)
- 06:13:48 Ms. Ferriter submitted and reviewed "Efficient Benefit Delivery Proposals for Discussion at the Labor Management Advisory Council Meetings of March 18-19, 2010". (Exhibit 13)

Committee comments and questions

- 06:27:30 Rep. Hunter, Sen. Brown and Sen. Keane talked about the impact costs and the proposed changes be given to NCCI.
- 06:30:04 Ms. Murdo recalled Ms. Reinhart's request to speak with injured workers. Ms. Murdo submitted information regarding injured workers. (Exhibit 14)
- 06:32:08 Rick Pyfer, an attorney, introduced Jim Leslie, an injured worker. Mr. Leslie talked about his accident in September of 2006. The time between injury and the time he started receiving benefits almost cost him everything he owned. He said the main difficulty was getting medical bills and prescriptions paid for.